

TWENTY-THIRD DAY

(Tuesday, February 18, 1941)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Leonard.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Goodman
Allison	Halsey
Alsup	Hanna
Anderson	Hardeman
Avant	Hargis
Bailey	Harris of Dallas
Baker	Harris of Hill
Bean	Hartzog
Bell	Heflin
Benton	Henderson
Blankenship	Hileman
Boone	Hobbs
Brawner	Howard
Bray	Howington
Bridgers	Hoyo
Brown	Huddleston
Bruhl	Huffman
Bullock	Hughes
Bundy	Humphrey
Burkett	Hutchinson
Burnaman	Isaacks
Carlton	Jones
Carrington	Kelly
Cato	Kennedy
Celaya	Kersey
Chambers	Kinard
Clark	King
Cleveland	Klingeman
Coker	Knight
Colson, Mrs.	Lansberry
Connelly	Lehman
Craig	Leyendecker
Crossley	Little
Crosthwait	Lock
Davis	Love
Deen	Lowry
Dickson of Bexar	Lucas
Donald	Lyle
Dove	McAlister
Duckett	McDonald
Dwyer	McGlasson
Ellis	McLellan
Eubank	McMurry
Evans	Manford
Favors	Manning
Ferguson	Markle
Files	Martin
Fuchs	Matthews
Gandy	Mills
Garland	Montgomery
Gilmer	Moore

Morgan	Shell
Morris	Skiles
Morse	Smith of Bastrop
Murray	Smith of Atascosa
Nicholson	Spacek
Pace	Spangler
Parker	Stanford
Pevehouse	Stinson
Phillips	Stubbs
Price	Taylor
Rampy	Thornton
Reed of Bowie	Vale
Reed of Dallas	Voigt
Ridgeway	Walters
Roark	Wattner
Roberts	Weatherford
Rhodes	White
Sallas	Whitesides
Senterfitt	Winfree
Sharpe	

Absent—Excused

Allen	McCann
Daniel	McNamara
Dickson of Nolan	Simpson
Fitzgerald	Turner
Helpinstill	

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"Our Heavenly Father, we thank Thee that Thou hast preserved Thy Word unto us through the centuries. May it be true of us that 'The entrance of Thy Word giveth life.' Consider us now according to the measure of our need and the riches of Thy mercy. In Christ's name. Amen."

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Turner for today on motion of Mr. Lehman.

Mr. Daniel for today on motion of Mr. Ferguson.

Mr. McCann for today on motion of Mr. Cato.

The following Members were granted leaves of absence on account of illness:

Mr. Allen for today on motion of Mr. Markle.

Mr. Fitzgerald for today on motion of Mr. Hargis.

Mr. Dickson of Nolan for today on motion of Mr. Pevehouse.

COMMUNICATIONS

The Speaker laid before the House and had read the following communications:

Your kind expression of sympathy is gratefully acknowledged and deeply appreciated.

MRS. O. E. WALTERS
AND CHILDREN.

Dallas, Texas,
Feb. 15, 1941.

The Hon. Homer Leonard, Austin, Texas.

Dear Mr. Leonard: Please express my very grateful appreciation to the officers and membership of the 47th Legislature for the beautiful tribute given my husband, Mr. A. R. Andrews, in your recent resolutions.

His brother, Castleman Andrews, and sister, Dr. Rena M. Andrews, join me in this expression of appreciation.

Very sincerely,

MRS. A. R. ANDREWS.
4301 Fairfax Ave.,
Dallas, Texas.

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Shell:

H. B. No. 408, A bill to be entitled "An Act authorizing the Commissioners Court in any county having a population of not less than Ten Thousand, Three Hundred and Eighty (10,380) and not more than Ten Thousand, Three Hundred and Ninety (10,390) inhabitants, according to the last preceding Federal Census, to lease any County Hospital belonging to said county, and providing for the terms of said lease; and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Shell:

H. B. No. 409, A bill to be entitled "An Act to amend Article 1645,

Title 34, of the Revised Civil Statutes of the State of Texas of 1925, as amended by Chapter 35, General and Special Laws passed at the First Called Session of the Fortieth Legislature, as amended by Chapter 28, General and Special Laws passed at the First Called Session of the Forty-first Legislature, as amended by Chapter 15, General and Special Laws, passed at the Second Called Session of the Forty-second Legislature, as amended by Chapter 4, Special Laws passed at the Regular Session of the Forty-sixth Legislature, relating to the appointment and compensation of County Auditors in counties containing a population of Thirty-five Thousand (35,000) inhabitants, or over, according to the preceding Federal Census, or having a tax valuation of Fifteen Million (\$15,000,000) Dollars, according to the last approved tax rolls; and providing that in all counties of not less than Ten Thousand, Three Hundred and Eighty (10,380) inhabitants and not more than Ten Thousand, Three Hundred and Ninety (10,390) inhabitants according to the 1940 Federal Census, the Commissioners' Courts thereof shall have the power to determine whether an auditor for such county is a public necessity in the dispatch of the county's business, and if such court determines that such necessity exists for such auditor, it may appoint same, who shall qualify and perform the duties required of a County Auditor in this State, and such Commissioners' Court shall have the power to discontinue such office at any time that it may determine that such auditor be not a public necessity; and providing for additional compensation for the County Auditors in such counties having more than Two Hundred Thousand (200,000) population and not more than Three Hundred Thousand (300,000) population according to the last Federal Census where there is a City and County Hospital to care for city and county patients, and where a financial record for such hospital must be kept and reports made to the city and county; and providing that if any portion of this Act be declared unconstitutional or invalid, the remainder shall not

be affected thereby; and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Dove, Mr. Connelly and Mr. Whitesides:

H. B. No. 410, A bill to be entitled "An Act amending Articles 1359, 1360, 1361, 1365, Revised Civil Statutes of Texas, 1925, to prohibit corporations from acquiring any land, other than that necessary to the maintenance of their business, outside of incorporated cities and towns in this State, except in the collection of debts and by foreclosure under a mortgage or deed of trust; providing that land acquired through foreclosure under a mortgage or a deed of trust must be sold within five (5) years; providing that lands now held by any corporation which were acquired by foreclosure under a mortgage or a deed of trust shall be sold within (5) years; providing that any such land which has been held by a corporation for a period of five (5) years immediately preceding the effective date of this Act shall be sold within one year; providing that property acquired by any corporation through the acquisition of an insolvent company or corporation, with the assumption of the liabilities thereof, shall be considered as land acquired in payment of debt; providing and fixing a further penalty for violation thereof; and declaring an emergency."

Referred to the Committee on Municipal and Private Corporations.

By Mr. Smith of Atascosa:

H. B. No. 411, A bill to be entitled "An Act providing for fees and travel expenses of sheriffs and other peace officers whose income is on a fee basis and who travel into other States to serve extradition papers; providing travel expenses for sheriffs and other peace officers who are compensated by a fixed salary and who travel into other States to serve extradition papers; and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Brawner and Mr. Jones:

H. B. No. 412, A bill to be entitled "An Act amending Section 3 of H. B. 1152, Regular Session, Forty-fifth Legislature, so as to permit the sale of Minnows in Johnson County."

Referred to the Committee on Game and Fisheries.

By Mr. Isaacks, Mr. Bridgers and Mr. Bean:

H. B. No. 413, A bill to be entitled "An Act granting to cities and towns the right to acquire property and business of public utilities by right of eminent domain; providing for an election by qualified voters who are property taxpayers to vote on proposition of condemnation, and as to the issuance of notes, bonds or other evidence of indebtedness by said city or town; providing for the filing of condemnation proceedings in the District Court and the appointment of seven commissioners by said court to fix compensation to be paid; providing that all property and assets of utility as a going business, which are used or useful in rendering service, shall be acquired; providing for application of compensation for payment of liens, mortgages and encumbrances; granting to said commissioners power and authority to examine property and records of, and to investigate the value of, said public utility; providing for the payment of costs and appeal from decision of said commissioners; qualifying commissioners and their employees as competent witnesses on appeal; providing for the discontinuation of said condemnation proceeding by referendum vote; providing for the amendment of Articles 1349, 1350 and 1351, Revised Statutes of the State of Texas, 1925; containing a saving clause; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

Referred to the Committee on Municipal and Private Corporations.

By Mr. Bray:

H. B. No. 414, A bill to be entitled "An Act amending Section 1 of Chapter 58 of the General Laws of the Forty-second Legislature, Regular

Session, as amended by Chapter 97 of the General Laws of the Forty-third Legislature, Regular Session, and declaring an emergency."

Referred to the Committee on Oil, Gas and Mining.

By Mr. Bray:

H. B. No. 415, A bill to be entitled "An Act defining 'condensate'; declaring the production of condensate in excess of transportation or market facilities or reasonable market demand to be waste and prohibiting such excess production; authorizing the Railroad Commission of Texas to determine such excess production and the reasonable market demand; authorizing the Railroad Commission to consider the reasonable market demand for condensate in relation to the market demand for crude petroleum oil and authorizing the Railroad Commission to restrict the total production of crude petroleum oil and condensate to the reasonable market demand; requiring the Railroad Commission of Texas to prorate the allowable production of condensate or crude petroleum oil or both on a reasonable basis; and declaring an emergency."

Referred to the Committee on Oil, Gas and Mining.

By Mr. Lowry:

H. B. No. 416, A bill to be entitled "An Act amending Article 6378 of the Revised Civil Statutes of Texas, 1925, by adding the word 'or' just preceding the word 'merchandise' and making the law applicable to all railroads, including electric railroads that operate into, out of, or between any towns or cities in this State, and by adding a new paragraph defining a 'train,' and declaring an emergency."

Referred to the Committee on Labor.

By Mr. Eubank:

H. B. No. 417, A bill to be entitled "An Act amending Article 190a, Revised Civil Statutes, by adding Childress County to the list of counties named therein, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Ferguson:

H. B. No. 418, A bill to be entitled "An Act providing that in counties having a population of Fifty-one Thousand (51,000) to Fifty-one Thousand and One Hundred (51,100), inclusive, the Commissioners' Court shall annually set aside from all other county funds the Road and Bridge Fund, which fund shall be budgeted into three (3) equal amounts and providing that the expenditures from said fund for any four-month period of the fiscal year may not exceed one-third (1/3) of the total annual budget; provided that nothing in this Act shall be construed as repealing or affecting the Uniform Budget Law, County Budgets, Articles 689a-9, 10, 11 and 12; and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Hardeman, Mr. Hughes, Mr. Bean and Mr. Heflin:

H. B. No. 419, A bill to be entitled "An Act amending Section 1, Section 2, and Section 3 of Chapter 2 of the General Laws of the State of Texas, Fifth Called Session of the Forty-first Legislature, approved March 14, 1930, and adding Section 13, providing for the appointment of a Commission to aid the Supreme Court of Texas, and prescribing their qualifications, duties and terms of office; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Evans:

H. B. No. 420, A bill to be entitled "An Act, to regulate the sale and labeling of agricultural and vegetable seeds, in the State of Texas and defining the manner of labeling of same by seed dealers who may expose and/or offer such seed for sale, providing for the testing of such seeds for germination and other purposes; defining person, agricultural seeds, vegetable seeds, hybrid seed corn, weed seeds, noxious-weed seeds and secondary noxious-weed seeds and advertisement, setting up labeling requirements for seeds, the sale of which is regulated by this Act and

defining the physical testing methods of testing such seeds; setting up certain prohibitions in the sale, or offering for sale of seeds, the sale of which are regulated by this Act; providing farmer exemption and defining certain other exemptions, prescribing the duties of the Commissioner of Agriculture, and authorizing the Commissioner to promulgate rules and regulations in conformity with this Act; providing for the inspection and sampling of seed transported, sold or offered for sale within the State; providing for the holding of public hearings; providing for the right of ingress and egress by the Commissioner, his agents and/or employees, giving the Commissioner the authority to issue and enforce stop-sale orders; to make provisions and maintain seed testing facilities; to fix and collect charges for tests and for such labels as may be sold to dealers and others, to cooperate with the United States Department of Agriculture; providing for an inspection tax, and the affixing of tags or labels to seed containers; regulating the sales of seeds by the drivers of trucks and other vehicles; providing for seizure of seeds when not properly labeled or tagged, or sold or offered for sale in violation of this Act, defining violators and providing penalties, providing for the use and disposition of funds; providing for the repeal of certain laws, providing a safety clause and declaring an emergency."

Referred to the Committee on Agriculture.

By Mr. Morris, Mr. Weatherford and Mr. Carlton:

H. B. No. 421, A bill to be entitled "An Act amending Section 3, Article 1042-A, Penal Code of the Revised Criminal Statutes of Texas, Acts 1935, 44th Legislature, Chapter 237, Page 554, providing that wheat flour, or other cereal flour, corn meal, blended flour, packed or repacked, shall have the net weight, name of the manufacturer, or name of the mill that shall blend or repack (defining the meaning of manufacturer) and the name and place where milled, or blended, or packed, or repacked, printed in letters and figures on each sack of wheat flour,

corn meal, or blended or that which is packed or repacked and declaring an emergency."

Referred to the Committee on Commerce and Manufactures.

By Mr. Skiles:

H. B. No. 422, A bill to be entitled "An Act authorizing the Commissioners Court in certain counties to allow each County Commissioner certain expenses in connection with the performing of the duties as road commissioner in addition to the duties as County Commissioner; providing for the payment of the same; and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Lansberry, Mr. Lyle, Mr. Hughes, Mr. Bruhl and Mr. Smith of Bastrop:

H. B. No. 423, A bill to be entitled "An Act providing that suits involving the State of Texas or State Departments or departmental heads, which under existing laws may be maintained only in Travis County, may hereafter be maintained in any adjoining county; and declaring an emergency."

Referred to the Committee on Judiciary and Uniform State Laws.

By Mr. Brown:

H. B. No. 424, A bill to be entitled "An Act to permit any county containing a population not less than Seven Thousand, One Hundred (7,100) nor more than Seven Thousand, Four Hundred Ninety-seven (7,497) according to the last preceding Federal Census to adopt by a majority vote of qualified voters of such county a county unit system to the extent provided in this Act; making provisions for the formation of a county-wide school district therein; making provision for holding election in each such county on the question of the adoption of the provisions of this Act; making provision for holding election in each such county to determine whether an equalization tax not to exceed twenty (20) cents on the One Hundred Dollars (\$100.00) valuation of property shall be levied and collected annually on all taxable property in the

county, such tax to be distributed to the school districts of the county as herein provided; making provision for the assessment and collection of said equalization tax, and prescribing the duties of the County Tax Assessor and Collector and County Superintendent; prescribing the duties of the County Board of School Trustees with respect to such tax and the funds derived therefrom; providing that all rights, duties and powers of the several common and independent school districts in any such county shall remain undisturbed and shall not be affected, except as expressly provided in this Act; providing a saving clause; repealing all laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Bell:

H. B. No. 425, A bill to be entitled "An Act to amend Article 5949, Revised Civil Statutes of 1925, as amended by Acts of the Forty-sixth Legislature, page 498, Regular Session, 1939, so as to provide for appointment of notaries public by the Secretary of State of the State of Texas; prescribing their qualifications and terms of office; providing that this Act shall not affect the terms of those persons who have qualified as notaries public prior to the effective date hereof, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Baker:

H. B. No. 426, A bill to be entitled "An Act amending paragraph (1), Section 2, Chapter 162, Acts of the 43rd Legislature, Regular Session, as amended in paragraph (1), Section 1, Chapter 12, Acts of the First Called Session, 43rd Legislature, to levy an occupation tax of five cents (5¢) per barrel on oil produced in this State; and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Baker:

H. B. No. 427, A bill to be entitled "An Act amending Article 7047, Re-

vised Civil Statutes of Texas, 1925, as amended by House Bill No. 251, of the Regular Session of the 42nd Legislature, Chapter 212, as amended by Section 6 of Article 4 of House Bill No. 8, Third Called Session of the 44th Legislature, Chapter 495, so as to amend Section 40a thereof to provide for an increase in the tax on sulphur to Five Dollars (\$5.00) per long ton, or fraction thereof; and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Baker:

H. B. No. 428, A bill to be entitled "An Act to levy a tax of two cents (2¢) per one thousand (1000) cubic feet on all natural gas transported in gas pipe lines in intrastate commerce within this State; and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Skiles:

H. B. No. 429, A bill to be entitled "An Act requiring the teaching of government and citizenship in Texas, with special emphasis upon the Constitution of the United States and of Texas; providing the minimum hours such subject shall be taught in high schools, intermediate and primary schools; providing the time when this Act shall become effective, and declaring an emergency."

Referred to the Committee on Education.

By Mr. Coker:

H. B. No. 430, A bill to be entitled "An Act amending Chapter 7 of the General and Special Laws of the Third Called Session of the Forty-second Legislature being H. B. No. 35, page 8, making it lawful to kill wild fox, or trap wild fox, for a period of three years in Polk and Trinity Counties."

Referred to the Committee on Game and Fisheries.

By Mr. Hanna, Mr. Halsey, Mr. Morgan, Mr. Bullock, Mr. Skiles, Mr. Manning, Mr. Morris, Mr. Bell, Mr. Walters, Mr. Lansberry, Mr. McLellan, Mr. McMurry, Mr. Blankenship, Mr. Crosthwait, Mr. Vale, Mr. Heflin,

Mr. Weatherford, Mr. Markle, Mr. Lyle, Mr. Stinson, Mr. Howard, Mr. Bean, Mr. Boone and Mr. Goodman:

H. B. No. 431, A bill to be entitled "An Act making it unlawful to sell tickets to any sports event, amusement or entertainment in Texas for which an admission charge is made, in excess of the purchase price of the ticket appearing thereon, without having procured a license therefor from the Commissioner of Labor Statistics of the State of Texas; prohibiting the granting of any such license to any firm, partnership, association or corporation in the name of such; providing the procedure for the securing of a license and the license fee therefor; prescribing penalties; and declaring an emergency."

Referred to the Committee on Labor.

By Mr. Weatherford, Mr. Crosthwait, Mr. Heflin, Mr. Hardeman, Mr. Carlton and Mr. Morris:

H. B. No. 432, A bill to be entitled "An Act amending Article 5473 of the Revised Civil Statutes of Texas, 1925, as amended by the 41st Legislature, Acts 1929, Chapter 223, page 477, to provide for a contractor's and laborer's lien upon the drilling rig, drill stem, casing and all drilling machinery under the circumstances otherwise set in Article 5473, as amended; and declaring an emergency."

Referred to the Committee on Judiciary and Uniform State Laws.

By Mr. Sharpe (by request):

H. B. No. 433, A bill to be entitled "An Act defining the business of abstracting land titles, requiring abstract plants, issuances of certificates of authority, providing for regulation and appeal, providing for issuance of a limited certificate of authority, penalty, repealing other acts, unconstitutionality of any section, and emergency provision."

Referred to the Committee on State Affairs.

By Mr. McLellan (by request):

H. B. No. 434, A bill to be entitled "An Act relating to marks and brands of livestock in Austin County only; amending Article 6899 of the

Revised Civil Statutes of Texas, by adding thereto a new Section to be known as Article 6899f requiring that in said County each owner of any livestock mentioned in Chapter 1, of Title 121 of the Revised Civil Statutes of Texas, of 1925, shall within six (6) months after this Act takes effect, have his mark and brand of such stock recorded at the office of the County Clerk of said County; and providing that such owners shall so record such marks and brands whether heretofore recorded or not and that after the expiration of six (6) months from taking effect of this Act all records and marks and brands now in existence shall no longer have any force or effect and that after the expiration of six (6) months only the records made after this Act shall be effective and considered the recorded marks and brands in said County; and further providing that the County Clerk of said County shall publish this Act in some newspaper in general circulation in the County for a period of thirty (30) days; and declaring an emergency."

Referred to the Committee on Live Stock and Stock Raising.

By Mr. Craig:

H. B. No. 435, A bill to be entitled "An Act amending H. B. No. 17, Acts of the Forty-sixth Legislature, Regular Session, known as the Real Estate Dealers License Act, by amending subsection (1) of subsection (a) of Section 2 so as to more specifically define the term 'Real Estate Dealer'; by amending subsection (d) of subsection (10) of Section 6 so as to authorize an officer or agent designated as the real estate dealer for a partnership, association, or corporation to act as a real estate dealer in his own behalf, subject to certain provisions; by amending subsection (e) of subsection (10) of Section 6, so as to authorize a member or officer of a partnership, association, or corporation, to act both for such partnership, association, or corporation, and in his own behalf, under certain circumstances; by amending subsection (a) of Section 7 so as to permit the licensing of nonresidents of this State as salesmen under registered

dealers; by amending subsection (a) of Section 9 so as to provide for a period of investigation of applicants for dealers' licenses; by amending subsection (a) of Section 15 so as to provide for the suspension of an order of the Secretary of State cancelling the license of a real estate dealer or salesman upon the giving of a bond, and so as to authorize the Secretary of State to enforce orders of cancellation by injunction; by amending subsection (a) of Section 16 so as to provide for a fee of Five Dollars (\$5) for the filing of an application for a real estate dealer's license; by amending subsection (b) of Section 16 so as to provide for a fee of Five Dollars (\$5) for the filing of any original or renewal application of a real estate dealer's license made by a partnership, corporation or association; and by repealing subsection (b) of Section 21; providing that in event any provision of this Act is declared void or unconstitutional that the remaining provisions shall remain in full force and effect, and declaring an emergency."

Referred to the Committee on State Affairs.

HOUSE JOINT RESOLUTIONS ON FIRST READING

The following House joint resolutions were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Sharpe, Mr. Henderson, Mr. Roark, Mr. Smith of Bastrop, Mr. Kelly, Mr. Martin and Mr. Davis:

H. J. R. No. 16, Proposing an amendment to the Constitution of the State of Texas, fixing a four year term of office for State Representatives, and fixing the term of office for County Commissioners at four years.

Referred to the Committee on Constitutional Amendments.

By Mr. Dove, Mr. Connelly, Mr. Roark, Mr. White, Mr. Huddleston, Mr. Garland, Mr. Matthews, Mr. Chambers, Mr. Benton, Mr. Evans, Mr. Lucas, Mr. Fuchs, Mr. Brawner, Mr. Deen, Mr. Lowry, Mr. Burna-

man, Mr. Bailey, Mr. Allison, Mr. Bean, Mr. Price, Mr. Sallas, Mr. Whitesides, Mr. Duckett, Mr. Hobbs, Mr. Rhodes, Mr. Knight, Mr. Bullock, Mr. Morgan, Mr. Ellis, Mr. Manning, Mr. Simpson, Mr. Goodman, Mr. Boone, Mr. Love, Mr. Baker, Mr. Mills, Mr. Moore, Mr. Sharpe, Mr. Wattner, Mr. Lock, Mr. Turner, Mr. Gandy, Mr. Spacek, Mr. Daniel, Mr. Henderson, Mr. Davis, Mr. Rampy, Mr. Craig, Mr. Hargis, Mr. Montgomery, Mr. Fitzgerald, Mr. Heflin, Mr. Hileman, Mr. Weatherford, Mr. Halsey and Mr. Pevehouse:

H. J. R. No. 17, Proposing an amendment to the Constitution of the State of Texas to provide for a State Land Bank which shall make loans to aid citizens of Texas to purchase a farm homestead.

Referred to the Committee on Constitutional Amendments.

ADDITIONAL SIGNERS OF HOUSE BILLS

By unanimous consent of the House, the following Members were authorized to sign bills and resolutions as coauthors of same, as follows:

Mr. Lowry: H. B. No. 239.

Mr. Davis: H. B. No. 13.

Mr. Manford: H. B. No. 42.

Mr. Heflin: H. B. Nos. 74 and 75.

RESOLUTION REREFERRED

Mr. Taylor moved that H. S. R. No. 110 be withdrawn from the Committee on Military Affairs and referred to the Committee on State Affairs.

The motion prevailed.

BILL REREFERRED

Mr. Taylor moved that Senate Bill No. 91 be withdrawn from the Committee on State Affairs and referred to the Committee on Military Affairs.

The motion prevailed.

SPECIAL ORDER SET

On motion of Mr. Kersey, House Bill No. 20 was set for Special Or-

der at 11:00 o'clock a. m., next Tuesday, February 25.

RELATIVE TO HOUSE BILL NO. 84

On motion of Mr. Lyle and by unanimous consent of the House, the caption of House Bill No. 84 was ordered amended to conform to all changes and with the body of the bill.

RELATIVE TO EXTENDING PRIVILEGES OF THE FLOOR

Mr. Morse offered the following resolution:

H. S. R. No. 121, Relative to Extending Privileges of the Floor.

Whereas, The Capitol City of Texas is blessed today with the presence of many young people from the various parts of the State; and

Whereas, It will benefit the State in years to come to more fully acquaint these young people with the workings of the Legislature; now

Therefore be it resolved, That these young people be granted the privileges of the floor for the remainder of the day.

The resolution was read second time.

Question recurring on the resolution by Mr. Morse, it was lost.

RELATIVE TO PORT CITIES OF THE STATE

Mr. Kinard offered the following resolution:

H. S. R. No. 119, Relative to Port Cities of the State of Texas.

Whereas, The port cities of Texas have an important role in the National Defense Preparedness Program, and are of vital importance to the national defense; and

Whereas, Industrial development has concentrated in these port cities; and

Whereas, The Inland Port, such as Houston, Port Arthur, Port Neches, Beaumont, Orange, Corpus Christi and Brownsville, are subject to special hazards, such as the blockade of their channels; and

Whereas, The Oil Refining Industry and the pipeline terminals of the Texas Port Cities, and particularly the new petroleum chemical industries of Texas City, Houston, the

Houston Ship Channel and elsewhere, and shipyards and steel fabrication plants established and being established at various of these Port Cities, are essential to National Defense; and

Whereas, These Port facilities and Industries on the Texas coast are wholly unprotected and undefended at this time, and would be the first object of attack should this nation be involved in war.

Now therefore be it resolved, That we recognize the hazard and peril to which their undefended condition subjects the ports and port cities of the Texas coast, and invite attention of the National Government thereto; and

Be it further resolved, That the House of Representatives of the State of Texas hereby request and invite the Military and Naval Affairs Committees of the National House of Representatives and Senate to visit and inspect the Port Cities of Texas, with a view to such recommendations for the defense of these vital ports as may be deemed adequate.

The Chief Clerk of the House is directed to transmit, under seal of the House, a copy of this resolution, to the Chairman of each of the said Committees of the United States Senate and House of Representatives.

KINARD,
CELAYA,
MONTGOMERY,
BROWN.

The resolution was read second time and was adopted.

MEMORIALIZING CONGRESS IN REGARD TO TAX ON GASOLINE

Mr. Isaacks offered the following resolution:

H. C. R. No. 41, Memorializing Congress in Regard to Tax on Gasoline Returned to the States.

Whereas, The Federal Government annually collects a tax on the sale of gasoline aggregating approximately Four Hundred and Sixty Million Dollars (\$460,000,000), of which amount approximately One Hundred and Thirty Million Dollars (\$130,000,000) is being returned to the States of the Union for the construction and maintenance of highways; and

Whereas, The State of Texas has

over six thousand (6000) miles of designated Military Federal Highways or one-twelfth (1/12th) of the total highway system of military highways of the United States; and

Whereas, The amount of this gasoline tax collected by the Federal Government and returned to the State of Texas is far less than one-twelfth of the total amount which the State of Texas would be entitled to receive if it received the proportion thereof based upon Texas' proportion or mileage of military highways in the State;

Therefore, be it resolved by the House of Representatives of the State of Texas, the Senate concurring, That the Senators and Representatives from the State of Texas in the Congress of the United States are respectfully petitioned to take whatever action is necessary for each State having designated Military Federal Highways to receive the pro rata part of said gasoline tax returned to the respective States on the basis of the number of miles of designated Military Federal Highways in each State.

The resolution was read second time.

Mr. Isaacks offered the following amendment to the resolution:

Amend H. C. R. No. 41 by adding a new paragraph authorizing the Chief Clerk to send copies of the resolution to each Congressman from Texas.

The amendment was adopted.

The resolution, as amended, was adopted.

RECALLING HOUSE BILL NO. 140 FROM THE GOVERNOR

Mr. Skiles offered the following resolution:

H. C. R. No. 42, Recalling House Bill No. 140 from the Governor.

Whereas, House Bill No. 140 passed the House on February 4th and passed the Senate on February 5th and was signed by the Speaker on February 7th and sent to the Governor's office; and

Whereas, The population bracket in this bill was incorrectly given; and

Whereas, This was a local bill for Denton County and it is necessary to change the population brackets so that said bill will apply only to Denton County; now

Therefore, be it resolved by the House and Senate concurring, That House Bill No. 140 be recalled from the Governor's office for the purpose of making said correction.

The resolution was read second time and was adopted.

RELATIVE TO OFFICE OF COMPTROLLER OF PUBLIC ACCOUNTS

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 16, Relative to Use of Employees in Office of Comptroller of Public Accounts.

Whereas, The Departmental Appropriation Bill of the Forty-sixth Legislature included a rider requiring an affidavit from department heads to the effect that the employee had actually performed the work indicated by his or her title; and

Whereas, The Comptroller of Public Accounts finds it imperative that he have additional employees in the auditing and collecting of certain occupation taxes due to recent court decisions; and

Whereas, The Comptroller of Public Accounts is now conducting such an audit as the present number of employees will permit, and finds that additional auditors are absolutely necessary, but in order to avoid requesting an emergency appropriation for this most important work, which is expected to bring much additional revenue to the State, advises that if the above rider is suspended he can transfer auditors and employees from other divisions to this work temporarily, or until August 31, 1941.

Now therefore, be it resolved by the Senate of Texas, the House of Representatives concurring, That said above rider be and the same is hereby suspended insofar as it applies to the office of the Comptroller of Public Accounts and he is hereby directed and authorized to use his employees in whatever divisions they may be employed, in any other divisions of the department, until

August 31, 1941, same being end of this fiscal year.

The resolution was read second time.

On motion of Mr. Lock, the resolution was referred to the Committee on Appropriations.

INVITING MISS HELEN KELLER
TO ADDRESS A JOINT SES-
SION OF THE LEGIS-
LATURE

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 17, Inviting Miss Helen Keller to Address a Joint Session of the Legislature.

Whereas, Miss Helen Keller, of Westport, Connecticut, noted author and lecturer, is contemplating a visit to Texas on or about April 1st, and

Whereas, Miss Keller has so brilliantly overcome such handicaps as to attract the entire world, and

Whereas, Through her bravery and courage, which has served constantly as an inspiration to all America, she has attained success of leadership in many fields, now therefore be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, that Miss Keller be invited to address a joint session of the Texas Legislature, at a date to be named by her, and that the Secretary of the Senate be instructed to mail a copy of this resolution to Miss Keller.

The resolution was read second time and was adopted.

MESSAGE FROM THE SENATE

Austin, Texas, February 18, 1941.

Hon. Homer Leonard, Speaker of the House.

Sir: I am directed by the Senate to inform the House that the Senate has adopted

S. C. R. No. 19, To lend certain equipment to the City of Daingerfield.

S. C. R. No. 20, Urging the U. S. Government to establish munitions plants in Texas.

H. C. R. No. 37, Providing that

the House and Senate join with the American Legion in patriotic exercises at Old Washington, March 2, 1941.

H. C. R. No. 40, To lend guard wire to the City of Paris, Texas.

Passed

H. B. No. 328, A bill to be entitled "An Act authorizing the Commissioners Court in certain counties to allow each County Commissioner certain expenses in connection with the performing of the duties as road commissioner in addition to the duties as County Commissioner; providing for the payment of the same; and declaring an emergency."

Respectfully,

BOB BARKER,

Secretary of the Senate.

(Mr. Blankenship in the Chair.)

HOUSE BILL NO. 95 ON THIRD
READING

The Chair laid before the House, on its third reading and final passage,

H. B. No. 95, A bill to be entitled "An Act authorizing the Commissioners Court of any county having a population of not less than three hundred twenty thousand (320,000), and not more than three hundred sixty thousand (360,000), according to the last United States Census, to rent or let to any landowner any tractor, grader, machinery or equipment belonging to said County to be used exclusively upon land belonging to such owner situated in said county, in the construction of terraces, dikes and ditches for the purposes of said conservation and soil erosion prevention and for the purpose of constructing water tanks and reservoirs; and declaring an emergency."

The bill was read third time.

Mr. Dickson of Bexar offered the following amendment to the bill:

Amend House Bill No. 95 by striking from Section 1, lines 1, 2 and 3 thereof, the following, to-wit:

"having a population of not less than three hundred twenty thousand (320,000) and not more than three hundred sixty thousand (360,000)

according to the last United States Census."

Question: Shall the amendment by Mr. Dickson of Bexar be adopted?

(Speaker in the Chair.)

PROGRAM BY A CAPPELLA
CHOIR OF NORTH TEXAS
STATE TEACHERS
COLLEGE

(In Joint Session)

In accordance with the provisions of House Concurrent Resolution No. 34, Inviting the A Cappella Choir of the North Texas State Teachers College to appear before a Joint Session of the Legislature at 10:30 o'clock a. m. today, the Honorable Senators, escorted by Hon. Bob Barker, Secretary of the Senate, were announced at the bar of the House and, being duly admitted, occupied seats prepared for them along the aisle.

Lieutenant Governor Coke R. Stevenson occupied a seat on the Speaker's stand.

Lieutenant Governor Coke R. Stevenson called the Senate to order and stated that the two Houses were in Joint Session for the purpose of hearing the A Cappella Choir of the North Texas State Teachers College.

Honorable Homer Leonard, Speaker, called the House of Representatives to order.

The Lieutenant Governor directed the Clerk to call the roll of the Senate.

The roll of the Senate was called and the following Senators were present:

Aikin	Lemens
Beck	Lovelady
Brownlee	Martin
Chadick	Mauritz
Cotten	Metcalf
Fain	Moffett
Formby	Moore
Graves	Ramsey
Hazlewood	Shivers
Hill	Smith
Isbell	Stone
Kelley	Sulak
Lanning	Van Zandt

Vick
Weinert

Winfield
York

Absent—Excused

Spears

A quorum of the Senate was announced present.

Speaker Leonard directed the Clerk to call the roll of the House.

The roll of the House was called and the following Members were present:

Mr. Speaker	Gandy
Allison	Garland
Alsup	Gilmer
Anderson	Goodman
Avant	Halsey
Bailey	Hanna
Baker	Hardeman
Bean	Hargis
Bell	Harris of Dallas
Benton	Harris of Hill
Blankenship	Hartzog
Boone	Heflin
Brawner	Henderson
Bray	Hileman
Bridgers	Hobbs
Brown	Howard
Bruhl	Howington
Bullock	Hoyo
Bundy	Huddleston
Burkett	Huffman
Burnaman	Hughes
Carlton	Humphrey
Carrington	Hutchinson
Cato	Isaacks
Celaya	Jones
Chambers	Kelly
Clark	Kennedy
Cleveland	Kersey
Coker	Kinard
Colson, Mrs.	King
Connelly	Klingeman
Craig	Knight
Crossley	Lansberry
Crothwait	Lehman
Davis	Leyendecker
Deen	Little
Dickson of Bexar	Lock
Donald	Love
Dove	Lowry
Duckett	Lucas
Dwyer	Lyle
Ellis	McAlister
Eubank	McDonald
Evans	McGlasson
Favors	McLellan
Ferguson	McMurry
Files	Manford
Fuchs	Manning

Markle	Sallas
Martin	Senterfitt
Matthews	Sharpe
Mills	Shell
Montgomery	Skiles
Moore	Smith of Bastrop
Morgan	Smith of Atascosa
Morris	Spacek
Morse	Spangler
Murray	Stanford
Nicholson	Stinson
Pace	Stubbs
Parker	Taylor
Pevehouse	Thornton
Phillips	Vale
Price	Voigt
Rampy	Walters
Reed of Bowie	Wattner
Reed of Dallas	Weatherford
Ridgeway	White
Roark	Whitesides
Roberts	Winfree
Rhodes	

Absent—Excused

Allen	McCann
Daniel	McNamara
Dickson of Nolan	Simpson
Fitzgerald	Turner
Helpinstill	

A quorum of the House was announced present.

The Speaker presented Honorable V. E. Goodman of Tarrant County who introduced Mr. Wilfred C. Bain, conductor of the Choir, to the Joint Session and the assemblage.

Mr. Bain then directed the Choir in several selections.

SENATE RETIRES

At the conclusion of the program the Senate, at 10:55 o'clock a. m., retired to its Chamber.

HOUSE BILL NO. 19 ON
SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 19, A bill to be entitled "An Act to amend Sections 3 and 5 of Chapter 42, General Laws of Texas, passed by the 41st Legislature, 2nd Called Session, as amended by Sections 3 and 5 of Chapter 282, Acts Regular Session, 42nd Legislature; repealing Section 7 of

Chapter 282, Acts Regular Session, 42nd Legislature, said Acts relating to the operation of vehicles on the public highways of Texas; and declaring an emergency."

The bill was read second time.

Mr. Alsop offered the following committee amendment to the bill:

Amend H. B. No. 19 by striking out all below the enacting clause and inserting in lieu thereof the following:

Section 1. That Section 5, Chapter 42, General Laws of the State of Texas, passed by the 41st Legislature, Second Called Session, as amended by Section 5, Chapter 282, Acts Regular Session, 42nd Legislature, be, and the same is hereby, amended to hereafter read as follows:

"Sec. 5. Except as otherwise provided by law, no commercial motor vehicle, truck-tractor, trailer or semi-trailer, nor combination of such vehicles shall be operated over, on or upon the public highways outside the limits of an incorporated city or town, the total gross weight of which exceeds that given by the following formula:

W equals C times (L plus 40), where

W equals total gross weight, including load and vehicle, in pounds;
C equals 700;

L equals the distance between the first and last axles of a vehicle or combination of vehicles, in feet.

Under the foregoing formula, the gross weight is ascertained by adding forty (40) to the distance in feet between the first and last axles of a vehicle or combination of vehicles and multiplying this sum by seven hundred (700).

Provided, however, the gross weight permitted by the foregoing formula shall be subject to the following restrictions and limitations:

No such vehicle nor combination of vehicles shall have a greater weight than 600 pounds per inch width of tire upon any wheel concentrated upon the surface of the highway and using high-pressure tires, and a greater weight than 650 pounds per inch width of tire upon any wheel concentrated upon the

surface of the highway and using low-pressure tires, and no wheel shall carry a load in excess of 8,000 pounds on high pressure tires and 9,000 pounds on low-pressure tires, nor any axle a load in excess of 16,000 pounds on high-pressure tires, and 18,000 pounds on low-pressure tires. An axle load shall be defined as the total load on all wheels whose centers may be included between two parallel transverse vertical planes forty (40) inches apart."

Sec. 2. That Section 7 of Chapter 282, Acts Regular Session, 42nd Legislature, amending Section 5 of Chapter 42, General Laws of Texas, 41st Legislature, 2nd Called Session, by the addition of Section 5 (b) thereto be, and the same is hereby, repealed.

Sec. 3. Nothing in this Act shall be construed as authorizing an increase in the size or dimensions of commercial motor vehicles as provided in the present law.

Sec. 4. The fact that the present law regulates only the net load that may be transported upon commercial vehicles, without regard to the gross weight and stress upon the highways, and without regard to the size and equipment of the vehicles, has resulted in the use of vehicles improperly equipped and not designed to safely transport the loads being hauled, and the further fact that the regulation of the net load has no relation to the protection and regulation of the highways, and the further fact that the present law does not stabilize, on a definite basis, the many relationships between the highway and the motor vehicle, and does not adequately promote efficiency and safety in the operation of motor vehicles, and the further fact that the present load limit discriminates against the farmers, growers, ranchers, merchants and industries of this State, causing great financial and economic loss, and the further fact that the farmers, growers, ranchers, merchants and industries of this State are unable to compete with the farmers, growers, ranchers, merchants and industries of other states enjoying a much greater load limit for commercial motor vehicles, creates an emergency and an imperative public necessity requiring the suspension of the Constitutional Rule

requiring bills to be read on three several days in each house, and also the suspension of the Constitutional Rule which provides that laws shall not become effective until the expiration of ninety days after the adjournment of the session, and such rules are hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

(Pending consideration of the committee amendment, Mr. Harde-
man occupied the Chair temporarily.)

(Speaker in the Chair.)

Question: Shall the committee amendment be adopted?

ADDRESS BY BOB WEIDMAN

In accordance with the provisions of H. S. R. No. 118, the Speaker announced the appointment of Miss Files and Mr. Blankenship to escort members of the Youth Division of the United Texas Drys to the Speaker's stand.

Reverend W. A. McKenzie, pastor of the University Baptist Church of Austin, and Bob Weidman were then escorted to the Speaker's stand.

Speaker Leonard then presented Reverend McKenzie, who introduced Bob Weidman to the House.

Mr. Bob Weidman then addressed the House briefly.

RESOLUTION SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof and its caption had been read, the following enrolled resolution:

H. C. R. No. 31, Authorizing the Loan of Certain Highway Equipment.

RECESS

On motion of Mr. Kersey, the House at 12:05 o'clock p. m. took recess until 2:30 o'clock p. m., today.

AFTERNOON SESSION

The House met at 2:30 o'clock p. m., and was called to order by the Speaker.

HOUSE BILL NO. 19 ON PAS-
SAGE TO ENGROSSMENT

The House resumed consideration of pending business, same being House Bill No. 19, Relative to load limit, etc., on trucks, on its passage to engrossment.

The bill having heretofore been read second time with committee amendment offered by Mr. Alsup pending.

Mr. Harris of Hill offered the following amendment to the committee amendment:

Amend committee amendment to H. B. No. 19 by adding to line 35 the following:

"provided, however, the gross weight shall never exceed 35,000 pounds."

Mr. Reed of Dallas offered the following substitute for the amendment by Mr. Harris of Hill:

Amend committee amendment No. 1 to House Bill No. 19 by adding after the words "forty (40) inches apart" on Line 8 of Page 2 of the printed bill a new sentence to read as follows:

"Provided however, that the net weight load on any truck or trailer or combination of truck and trailer shall never exceed 14,000 pounds."

(Pending consideration of the substitute amendment, Mr. Little occupied the Chair temporarily.)

(Speaker in the Chair.)

Mr. Alsup moved to table the substitute amendment by Mr. Reed of Dallas.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—66

Allison	Bridgers
Alsup	Bruhl
Baker	Bullock
Bean	Burkett
Bell	Carrington
Boone	Cato
Bray	Celaya

Chambers	Little
Coker	Lock
Colson, Mrs.	Love
Craig	Lowry
Crossley	Lucas
Deen	Lyle
Dickson of Bexar	Manford
Donald	Manning
Eubank	Matthews
Favors	Morris
Gilmer	Morse
Halsey	Murray
Hanna	Phillips
Hardeman	Rampy
Harris of Dallas	Ridgeway
Harris of Hill	Senterfitt
Hileman	Shell
Howington	Smith of Bastrop
Huddleston	Smith of Atascosa
Huffman	Stubbs
Hughes	Thornton
Humphrey	Vale
Isaacks	Voigt
Kersey	Walters
Klingeman	Wattner
Lansberry	Whitesides

Nays—74

Anderson	Hutchinson
Avant	Jones
Bailey	Kelly
Benton	Kennedy
Blankenship	Kinard
Brawner	King
Brown	Knight
Bundy	Lehman
Burnaman	Leyendecker
Carlton	McAlister
Clark	McDonald
Cleveland	McGlasson
Connelly	McLellan
Crosthwait	McMurry
Davis	Markle
Dove	Martin
Duckett	Mills
Dwyer	Montgomery
Ellis	Moore
Evans	Morgan
Ferguson	Nicholson
Files	Pace
Fuchs	Parker
Gandy	Pevehouse
Garland	Price
Goodman	Reed of Bowie
Hargis	Reed of Dallas
Hartzog	Roark
Heflin	Roberts
Henderson	Rhodes
Hobbs	Sallas
Howard	Sharpe
Hoyo	Skiles

Spacek
Spangler
Stanford
Stinson

Taylor
Weatherford
White
Winfree

Absent—Excused

Allen
Daniel
Dickson of Nolan
Fitzgerald
Helpinstill

McCann
McNamara
Simpson
Turner

Mr. Lehman moved the previous question on the pending amendments and the engrossment of H. B. No. 19, and the motion was not seconded.

Mr. Lehman moved the previous question on the substitute amendment by Mr. Reed of Dallas and the motion was duly seconded.

Question recurring on the motion for the main question, it was lost.

Mr. Huffman moved that the House recess until 10:00 o'clock a. m. tomorrow.

Mr. Huffman withdrew the motion to recess.

Mr. Fuchs moved the previous question on the substitute amendment by Mr. Reed of Dallas and the motion was duly seconded.

Mr. Isaacks raised a point of order on the motion for the previous question at this time, on the ground that there has been no business transacted since the last motion for the previous question was voted on.

The Speaker overruled the point of order.

Question then recurring on the motion for the main question on the substitute amendment, yeas and nays were demanded.

The roll of the House was called and the vote announced, as follows: Yeas, 71; nays, 67.

Mr. Harris of Dallas requested a verification of the vote.

Mr. Kersey moved a call of the House pending the verification and the call was duly ordered.

The roll of the "yeas" and "nays" was again called and the verified vote resulted as follows:

Yeas—71

Anderson	Kennedy
Avant	Kinard
Bailey	King
Benton	Knight
Blankenship	Lehman
Brawner	Leyendecker
Brown	McAlister
Bundy	McDonald
Burnaman	McGlasson
Carlton	McLellan
Cleveland	McMurry
Crosthwait	Markle
Davis	Martin
Deen	Matthews
Dickson of Nolan	Mills
Donald	Montgomery
Dove	Morgan
Duckett	Morse
Dwyer	Pace
Ellis	Pevehouse
Evans	Reed of Bowie
Ferguson	Reed of Dallas
Files	Roark
Fuchs	Roberts
Garland	Rhodes
Goodman	Sallas
Hargis	Sharpe
Hartzog	Spacek
Heflin	Spangler
Henderson	Stanford
Hobbs	Stinson
Howard	Stubbs
Hoyo	White
Hutchinson	Whitesides
Jones	Winfree
Kelly	

Nays—67

Allison	Favors
Alsup	Gilmer
Baker	Halsey
Bean	Hanna
Bell	Hardeman
Boone	Harris of Dallas
Bray	Harris of Hill
Bridgers	Hileman
Bruhl	Howington
Bullock	Huddleston
Burkett	Huffman
Carrington	Hughes
Cato	Humphrey
Celaya	Isaacks
Chambers	Kersey
Clark	Klingeman
Coker	Lansberry
Colson, Mrs.	Little
Craig	Lock
Crossley	Love
Dickson of Bexar	Lowry
Eubank	Lucas

Lyle	Senterfitt
Manford	Shell
Manning	Skiles
Moore	Smith of Bastrop
Morris	Smith of Atascosa
Murray	Taylor
Nicholson	Thornton
Parker	Vale
Phillips	Walters
Price	Wattner
Rampy	Weatherford
Ridgeway	

Present—Not Voting

Gandy

Absent

Connelly Voigt

Absent—Excused

Allen	McCann
Daniel	McNamara
Fitzgerald	Simpson
Helpinstill	Turner

The Speaker announced that the motion for the main question prevailed.

Question then recurring on the substitute amendment by Mr. Reed of Dallas, yeas and nays were demanded.

The roll of the House was called and the vote announced as follows: Yeas, 66; nays, 75.

Mr. Lehman requested a verification of the vote.

Mr. Kersey moved a call of the House pending the verification, and the call was duly ordered.

On motion of Mr. Kersey the Sergeant at Arms was instructed to bring in all absent Members within the city who are not ill.

The roll of the "yeas" and "nays" was again called and the verified vote resulted as follows:

Yeas—66

Anderson	Clark
Avant	Cleveland
Bailey	Crosthwait
Benton	Dickson of Nolan
Brawner	Dove
Brown	Duckett
Bundy	Dwyer
Burnaman	Ellis

Evans	Markle
Ferguson	Martin
Files	Mills
Fuchs	Montgomery
Garland	Morgan
Goodman	Nicholson
Hartzog	Pace
Heflin	Parker
Henderson	Pevehouse
Hobbs	Price
Howard	Reed of Bowie
Hoyo	Reed of Dallas
Hutchinson	Roark
Jones	Roberts
Kelly	Rhodes
Kennedy	Sallas
Kinard	Sharpe
King	Skiles
Knight	Spacek
Lehman	Spangler
Leyendecker	Stanford
McAlister	Stinson
McDonald	Stubbs
McGlasson	White
McMurry	Winfree

Nays—75

Allison	Harris of Hill
Alsup	Hileman
Baker	Howington
Bean	Huddleston
Bell	Huffman
Blankenship	Hughes
Boone	Humphrey
Bray	Isaacks
Bridgers	Kersey
Bruhl	Klingeman
Bullock	Lansberry
Burkett	Little
Carlton	Lock
Carrington	Love
Cato	Lowry
Celaya	Lucas
Chambers	Lyle
Coker	McLellan
Colson, Mrs.	Manford
Connelly	Manning
Craig	Matthews
Crossley	Moore
Davis	Morris
Deen	Morse
Dickson of Bexar	Murray
Donald	Phillips
Eubank	Rampy
Favors	Ridgeway
Gandy	Senterfitt
Gilmer	Shell
Halsey	Smith of Bastrop
Hanna	Smith of Atascosa
Hardeman	Taylor
Hargis	Thornton
Harris of Dallas	Vale

Voigt
Walters
Wattner

Weatherford
Whitesides

Absent—Excused

Allen
Daniel
Fitzgerald
Helpinstill

McCann
McNamara
Simpson
Turner

The Speaker announced that the substitute amendment by Mr. Reed of Dallas was lost.

Mr. Carrington moved to reconsider the vote by which the substitute amendment by Mr. Reed of Dallas was lost, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Alsup moved the previous question on the amendment by Mr. Harris of Hill to the committee amendment and the motion was duly seconded.

Question recurring on the motion for the main question, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—82

Allison
Alsup
Bailey
Baker
Bean
Boone
Bridgers
Bruhl
Bullock
Bundy
Burkett
Carrington
Cato
Celaya
Chambers
Cleveland
Coker
Colson, Mrs.
Connelly
Craig
Crossley
Deen
Dickson of Bexar
Donald
Ellis
Eubank
Favors
Gandy

Garland
Gilmer
Halsey
Hanna
Hardeman
Hargis
Harris of Dallas
Harris of Hill
Hileman
Howington
Huddleston
Huffman
Hughes
Humphrey
Hutchinson
Isaacks
Jones
Kelly
Kersey
King
Klingeman
Lansberry
Little
Lock
Love
Lowry
Lucas
Lyle

Manford
Manning
Martin
Matthews
Moore
Morgan
Morris
Morse
Murray
Nicholson
Phillips
Rampy
Ridgeway

Sallas
Senterfitt
Shell
Skiles
Smith of Bastrop
Smith of Atascosa
Thornton
Vale
Voigt
Walters
Wattner
White
Whitesides

Nays—56

Anderson
Avant
Bell
Benton
Blankenship
Brawner
Bray
Brown
Burnaman
Carlton
Clark
Crosthwait
Davis
Dickson of Nolan
Dove
Duckett
Dwyer
Evans
Ferguson
Files
Fuchs
Goodman
Hartzog
Heflin
Henderson
Hobbs
Howard
Hoyo

Kennedy
Knight
Lehman
Leyendecker
McAlister
McDonald
McLellan
McMurry
Markle
Mills
Montgomery
Pace
Parker
Pevehouse
Price
Reed of Bowie
Reed of Dallas
Roark
Roberts
Rhodes
Sharpe
Spacek
Spangler
Stanford
Stinson
Taylor
Weatherford
Winfree

Absent

Kinard
McGlasson

Stubbs

Absent—Excused

Allen
Daniel
Fitzgerald
Helpinstill

McCann
McNamara
Simpson
Turner

Question then recurring on the amendment by Mr. Harris of Hill to the committee amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—84

Allison	Hughes
Alsup	Humphrey
Anderson	Hutchinson
Bailey	Isaacks
Baker	Kelly
Bean	Kersey
Bell	King
Boone	Klingeman
Bridgers	Lansberry
Bruhl	Leyendecker
Bullock	Little
Burkett	Lock
Carrington	Love
Cato	Lowry
Celaya	Lucas
Chambers	Lyle
Coker	McMurry
Colson, Mrs.	Manford
Connelly	Manning
Craig	Martin
Crossley	Matthews
Davis	Morse
Deen	Murray
Dickson of Bexar	Pace
Donald	Phillips
Dove	Rampy
Dwyer	Ridgeway
Ellis	Sallas
Eubank	Senterfitt
Favors	Shell
Gandy	Smith of Bastrop
Gilmer	Smith of Atascosa
Halsey	Stubbs
Hanna	Taylor
Hardeman	Thornton
Hargis	Vale
Harris of Dallas	Voigt
Harris of Hill	Walters
Hileman	Wattner
Howington	Weatherford
Hoyo	White
Huddleston	Whitesides

Nays—56

Avant	Fuchs
Benton	Garland
Blankenship	Goodman
Brawner	Hartzog
Bray	Heflin
Brown	Henderson
Bundy	Hobbs
Burnaman	Howard
Carlton	Huffman
Cleveland	Jones
Crothwait	Kennedy
Dickson of Nolan	Kinard
Duckett	Knight
Evans	Lehman
Ferguson	McAlister
Files	McDonald

McGlasson	Reed of Bowie
McLellan	Reed of Dallas
Markle	Roark
Mills	Roberts
Montgomery	Rhodes
Moore	Sharpe
Morgan	Skiles
Morris	Spacek
Nicholson	Spangler
Parker	Stanford
Pevehouse	Stinson
Price	Winfree

Absent

Clark

Absent—Excused

Allen	McCann
Daniel	McNamara
Fitzgerald	Simpson
Helpinstill	Turner

Mr. Hanna moved to reconsider the vote by which the amendment by Mr. Harris of Hill was adopted and to table the motion to reconsider.

The motion to table prevailed.

Question then recurring on the committee amendment, as amended, it was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

Mr. Lehman moved that the House adjourn until 10:00 o'clock a. m. tomorrow.

Question recurring on the motion to adjourn, yeas and nays were demanded.

The motion to adjourn was lost by the following vote:

Yeas—60

Avant	Davis
Bailey	Dickson of Nolan
Blankenship	Duckett
Brawner	Ferguson
Brown	Files
Bundy	Fuchs
Burnaman	Gandy
Carlton	Garland
Celaya	Goodman
Clark	Henderson
Cleveland	Hobbs
Connelly	Howard
Crothwait	Hoyo

Jones	Pace
Kennedy	Parker
Knight	Pevehouse
Lehman	Price
Leyendecker	Reed of Bowie
McAlister	Reed of Dallas
McDonald	Roark
McGlasson	Roberts
McLellan	Rhodes
McMurry	Sallas
Markle	Sharpe
Martin	Smith of Bastrop
Mills	Spangler
Montgomery	Stanford
Moore	Stinson
Morgan	Voigt
Nicholson	Weatherford

Nays—76

Allison	Huffman
Alsup	Hughes
Anderson	Humphrey
Baker	Hutchinson
Bean	Isaacks
Bell	Kersey
Benton	King
Boone	Klingeman
Bray	Lansberry
Bruhl	Little
Bullock	Lock
Burkett	Love
Carrington	Lowry
Cato	Lucas
Chambers	Lyle
Coker	Manford
Colson, Mrs.	Manning
Craig	Matthews
Crossley	Morris
Deen	Morse
Dickson of Bexar	Murray
Donald	Phillips
Dove	Rampy
Dwyer	Ridgeway
Ellis	Senterfitt
Eubank	Shell
Evans	Skiles
Favors	Smith of Atascosa
Gilmer	Spacek
Halsey	Stubbs
Hanna	Taylor
Hardeman	Thornton
Harris of Dallas	Vale
Hartzog	Walters
Heflin	Wattner
Hileman	White
Howington	Whitesides
Huddleston	Winfree

Absent

Bridgers	Kelly
Hargis	Kinard
Harris of Hill	

Absent—Excused

Allen	McCann
Daniel	McNamara
Fitzgerald	Simpson
Helpinstill	Turner

Mr. Alsup moved the previous question on the engrossment of House Bill No. 19 and the motion was duly seconded.

Question recurring on the motion for the main question, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—88

Allison	Huddleston
Alsup	Huffman
Anderson	Hughes
Bailey	Humphrey
Baker	Hutchinson
Bean	Isaacks
Benton	Kelly
Boone	Kersey
Bridgers	King
Bruhl	Klingeman
Bullock	Lansberry
Bundy	Little
Burkett	Lock
Carrington	Love
Cato	Lowry
Celaya	Lucas
Chambers	Lyle
Coker	McLellan
Colson, Mrs.	Manford
Connelly	Manning
Craig	Martin
Crossley	Matthews
Davis	Morgan
Deen	Morris
Dickson of Bexar	Morse
Donald	Murray
Dove	Nicholson
Duckett	Phillips
Dwyer	Rampy
Eubank	Ridgeway
Evans	Senterfitt
Favors	Shell
Ferguson	Skiles
Gandy	Smith of Bastrop
Gilmer	Smith of Atascosa
Halsey	Stubbs
Hanna	Thornton
Hardeman	Vale
Hargis	Voigt
Harris of Dallas	Walters
Harris of Hill	Wattner
Hileman	Weatherford
Howington	White
Hoyo	Whitesides

Nays—51

Avant	McAlister
Bell	McDonald
Blankenship	McGlasson
Brawner	McMurry
Bray	Markle
Brown	Mills
Burnaman	Montgomery
Carlton	Moore
Clark	Pace
Cleveland	Parker
Crothwait	Pevehouse
Dickson of Nolan	Price
Ellis	Reed of Bowie
Fuchs	Reed of Dallas
Garland	Roark
Goodman	Roberts
Heflin	Rhodes
Henderson	Sallas
Hobbs	Sharpe
Howard	Spacek
Jones	Spangler
Kennedy	Stanford
Kinard	Stinson
Knight	Taylor
Lehman	Winfree
Leyendecker	

Absent

Files	Hartzog
-------	---------

Absent—Excused

Allen	McCann
Daniel	McNamara
Fitzgerald	Simpson
Helpinstill	Turner

Mr. Alsup moved to reconsider the vote by which the previous question was ordered and to table the motion to reconsider.

The motion to table prevailed.

Question recurring on the engrossment of House Bill No. 19, yeas and nays were demanded.

House Bill No. 19 was passed to engrossment by the following vote:

Yeas—90

Allison	Bray
Alsup	Bridgers
Anderson	Bruhl
Bailey	Bullock
Baker	Bundy
Bean	Burkett
Bell	Carrington
Benton	Cato
Blankenship	Celaya
Boone	Chambers

Coker	Klingeman
Colson, Mrs.	Lansberry
Connelly	Leyendecker
Craig	Little
Crossley	Lock
Deen	Love
Dickson of Bexar	Lowry
Donald	Lucas
Dove	Lyle
Duckett	McGlasson
Dwyer	McMurry
Eubank	Manford
Evans	Manning
Favors	Matthews
Files	Morris
Gandy	Morse
Gilmer	Murray
Halsey	Phillips
Hanna	Rampy
Hardeman	Ridgeway
Hargis	Sallas
Harris of Dallas	Senterfitt
Harris of Hill	Shell
Hileman	Skiles
Howington	Smith of Bastrop
Hoyo	Smith of Atascosa
Huddleston	Taylor
Huffman	Thornton
Hughes	Vale
Humphrey	Voigt
Hutchinson	Walters
Isaacks	Wattner
Kelly	Weatherford
Kersey	White
King	Whitesides

Nays—51

Avant	Lehman
Brawner	McAlister
Brown	McDonald
Burnaman	McLellan
Carlton	Markle
Clark	Martin
Cleveland	Mills
Crothwait	Montgomery
Davis	Moore
Dickson of Nolan	Morgan
Ellis	Nicholson
Ferguson	Pace
Fuchs	Parker
Garland	Pevehouse
Goodman	Price
Hartzog	Reed of Bowie
Heflin	Reed of Dallas
Henderson	Roark
Hobbs	Roberts
Howard	Rhodes
Jones	Sharpe
Kennedy	Spacek
Kinard	Spangler
Knight	Stanford

Stinson
Stubbs

Winfree

Absent—Excused

Allen
Daniel
Fitzgerald
Helpinstill

McCann
McNamara
Simpson
Turner

Mr. Alsup moved to reconsider the vote by which the House Bill No. 19 was engrossed and to table the motion to reconsider.

The motion to table prevailed.

MOTION TO PLACE H. B. NO. 19 ON THIRD READING

Mr. Alsup moved that the Constitutional Rule requiring bills to be read on three several days be suspended and that House Bill No. 19 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—85

Allison
Alsup
Anderson
Bailey
Baker
Bean
Bell
Benton
Boone
Bray
Bridgers
Bruhl
Bullock
Bundy
Burkett
Carrington
Cato
Celaya
Chambers
Coker
Colson, Mrs.
Connelly
Craig
Crossley
Deen
Dickson of Bexar
Donald
Dove
Duckett
Dwyer
Ellis
Eubank
Evans

Favors
Gandy
Gilmer
Halsey
Hanna
Hardeman
Hargis
Harris of Dallas
Harris of Hill
Hileman
Howington
Hoyo
Huddleston
Huffman
Hughes
Humphrey
Hutchinson
Isaacks
Kelly
Kersey
King
Klingeman
Lansberry
Little
Lock
Love
Lowry
Lucas
Lyle
Manford
Manning
Martin
Matthews

Morris
Morse
Murray
Phillips
Rampy
Ridgeway
Senterfitt
Shell
Smith of Bastrop
Smith of Atascosa

Taylor
Thornton
Vale
Voigt
Walters
Wattner
Weatherford
White
Whitesides

Nays—56

Avant	McDonald
Blankenship	McGlasson
Brawner	McLellan
Brown	McMurry
Burnaman	Markle
Carlton	Mills
Clark	Montgomery
Cleveland	Moore
Crosthwait	Morgan
Davis	Nicholson
Dickson of Nolan	Pace
Ferguson	Parker
Files	Pevehouse
Fuchs	Price
Garland	Reed of Bowie
Goodman	Reed of Dallas
Hartzog	Roark
Heflin	Roberts
Henderson	Rhodes
Hobbs	Sallas
Howard	Sharpe
Jones	Skiles
Kennedy	Spacek
Kinard	Spangler
Knight	Stanford
Lehman	Stinson
Leyendecker	Stubbs
McAlister	Winfree

Absent—Excused

Allen	McCann
Daniel	McNamara
Fitzgerald	Simpson
Helpinstill	Turner

SENATE BILL NO. 42 ON SECOND READING

Mr. Chambers moved that the necessary Rules be suspended for the purpose of taking up and considering, at this time, Senate Bill No. 42.

The motion prevailed.

The Speaker then laid before the House, on its second reading and passage to third reading,

S. B. No. 42, A bill to be entitled "An Act providing for a supplemental scholastic census in school

districts where there is an unusual increase in population due to proximity of National Defense Agencies; etc.; and declaring an emergency."

The bill was read second time.

Mr. Chambers offered the following committee amendments to the bill:

Amend Senate Bill No. 42, Line Twenty-eight, by inserting after the word district, "Upon formal application of the District Board of Trustees of the unit affected."

Amend Senate Bill No. 42 so that the language "Provided further that such supplemental census shall be taken not later than March 1" shall read "Not later than March 15."

The committee amendments were severally adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

Senate Bill No. 42 was then passed to third reading.

SENATE BILL NO. 42 ON THIRD READING

Mr. Chambers moved that the Constitutional Rule requiring bills to be read on three several days be suspended and that Senate Bill No. 42 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—121

Allison	Carrington
Alsup	Cato
Anderson	Celaya
Avant	Chambers
Bailey	Clark
Baker	Cleveland
Benton	Coker
Blankenship	Colson, Mrs.
Boone	Connelly
Brawner	Craig
Bray	Crossley
Bridgers	Crosthwait
Brown	Davis
Bullock	Deen
Burkett	Dickson of Bexar
Burnaman	Dickson of Nolan

Dove	McAlister
Dwyer	McDonald
Ellis	McGlasson
Eubank	McLellan
Evans	McMurry
Favors	Markle
Ferguson	Martin
Files	Matthews
Fuchs	Mills
Gandy	Montgomery
Garland	Moore
Goodman	Morgan
Halsey	Morse
Hanna	Murray
Hardeman	Parker
Hargis	Pevehouse
Harris of Hill	Phillips
Hartzog	Price
Hefin	Rampy
Henderson	Reed of Bowie
Hileman	Reed of Dallas
Hobbs	Ridgeway
Howington	Roark
Hoyo	Roberts
Huddleston	Sallas
Huffman	Senterfitt
Hughes	Shell
Humphrey	Smith of Bastrop
Hutchinson	Smith of Atascosa
Isaacks	Spacek
Jones	Spangler
Kelly	Stanford
Kennedy	Stinson
Kersey	Stubbs
King	Taylor
Klingeman	Thornton
Knight	Vale
Lansberry	Voigt
Lehman	Walters
Little	Wattner
Lock	Weatherford
Love	White
Lowry	Whitesides
Lucas	Winfree
Lyle	

Absent

Bean	Kinard
Bell	Leyendecker
Bruhl	Manford
Bundy	Manning
Carlton	Morris
Donald	Nicholson
Duckett	Pace
Gilmer	Rhodes
Harris of Dallas	Sharpe
Howard	Skiles

Absent—Excused

Allen	Fitzgerald
Daniel	Helpinstill

McCann
McNamara

Simpson
Turner

The Speaker then laid Senate Bill No. 42 before the House on third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—121

Allison	Henderson
Alsup	Hileman
Anderson	Hobbs
Avant	Howington
Bailey	Hoyo
Baker	Huddleston
Benton	Huffman
Blankenship	Hughes
Boone	Humphrey
Brawner	Hutchinson
Bray	Isaacks
Bridgers	Jones
Brown	Kelly
Bullock	Kennedy
Burkett	Kersey
Burnaman	King
Carrington	Klingeman
Cato	Knight
Celaya	Lansberry
Chambers	Lehman
Clark	Little
Cleveland	Lock
Coker	Love
Colson, Mrs.	Lowry
Connelly	Lucas
Craig	Lyle
Crossley	McAlister
Crosthwait	McDonald
Davis	McGlasson
Deen	McLellan
Dickson of Bexar	McMurry
Dickson of Nolan	Markle
Dove	Martin
Dwyer	Matthews
Ellis	Mills
Eubank	Montgomery
Evans	Moore
Favors	Morgan
Ferguson	Morse
Files	Murray
Fuchs	Parker
Gandy	Pevehouse
Garland	Phillips
Goodman	Price
Halsey	Rampy
Hanna	Reed of Bowie
Hardeman	Reed of Dallas
Hargis	Ridgeway
Harris of Hill	Roark
Hartzog	Roberts
Heflin	Sallas

Senterfitt	Thornton
Shell	Vale
Smith of Bastrop	Voigt
Smith of Atascosa	Walters
Spacek	Wattner
Spangler	Weatherford
Stanford	White
Stinson	Whitesides
Stubbs	Winfree
Taylor	

Absent

Bean	Kinard
Bell	Leyendecker
Bruhl	Manford
Bundy	Manning
Carlton	Morris
Donald	Nicholson
Duckett	Pace
Gilmer	Rhodes
Harris of Dallas	Sharpe
Howard	Skiles

Absent—Excused

Allen	McCann
Daniel	McNamara
Fitzgerald	Simpson
Helpinstill	Turner

ADJOURNMENT

On motion of Mr. Ferguson, the House at 5:35 o'clock p. m. adjourned until 10:00 o'clock a. m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following Committees have filed favorable reports on bills, as follows:

Game and Fisheries: H. B. Nos. 367, 386 and 394.

Municipal and Private Corporations: H. B. No. 399.

Counties: H. B. Nos. 74, 75, 146, 156, 201, 262, 366, 368, 369 and 374.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Austin, Texas, February 17, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 35, Authorizing the State Highway Department of Texas to Lend to the School Board of the City of Weatherford, Parker County, sufficient quantities of the discarded wire stored in its warehouse for the purpose of fencing in grounds for athletic meets.

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, February 17, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 329, "An Act to amend an Act of the Forty-fourth Legislature, creating a Special Law for Lamb County, Texas, being Chapter 407 of the General and Special Laws passed by the Forty-fourth Legislature, at its First Called Session in 1935, by adding thereto four new sections, authorizing Lamb County to fund or refund the warrant indebtedness outstanding against its Road and Bridge Fund as of January 21, 1941, by the issuance of refunding bonds, and setting forth the method of operation; validating all acts of the Commissioners Court and of the county officials in authorizing, executing, and delivering said warrants; providing that this Law shall be cumulative of General Laws on the subject of roads and bridges and General Laws on funding or refunding bonds not in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; repealing all laws in conflict herewith; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, February 17, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 31, Providing for the Loan of Certain Highway Equipment to the City of Rocksprings.

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Austin, Texas, February 17, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 11, Providing for Reemployment of State Employees at the termination of their tour of duty in the military service.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, February 17, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 40, Granting Permission to Paris, Lamar County, Texas, to use some of the discarded guard wire belonging to the State Highway Department of Texas.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, February 17, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 3, A bill to be entitled "An Act making a specific appropriation out of the General Revenue Fund of the State of Texas, not otherwise appropriated, to pay a judgment obtained by Trinity Portland Cement Company against the State of Texas pursuant to resolution granted by the State of Texas to the said Trinity Portland Cement Company, authorizing it to sue the State of Texas for the recovery of filing fees and franchise taxes paid to the Secretary of the State of Texas, which filing fees and franchise taxes the courts of the State of Texas held to have been illegally collected; and providing further that the Comp-

troller of the State of Texas be directed to issue warrant to pay said judgment to the party herein named in payment of the same in the amount specified herein; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, February 17, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 84, A bill to be entitled "An Act creating the 94th Judicial District Court for Nueces County; defining its jurisdiction; adjusting the business of the 28th District Court of Nueces County and the 117th District Court of Nueces County with the court created hereby; prescribing the duties of the District Clerk with respect thereto; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, February 18, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 95, A bill to be entitled "An Act authorizing the Commissioners Court of any county having a population of not less than three hundred twenty thousand (320,000), and not more than three hundred sixty thousand (360,000), according to the last United States Census, to rent or let to any landowner any tractor, grader, machinery or equipment belonging to said County to be used exclusively upon land belonging to such owner situated in said county, in the construction of terraces, dikes and ditches for the purposes of said conservation and soil erosion prevention and for the purpose of constructing water tanks and reservoirs; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, February 17, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 87, A bill to be entitled "An Act authorizing the qualified voters of any independent school district situated wholly within one county, and containing not less than ninety (90) square miles in area, and also having an assessed property valuation of not less than Thirty-five Million Dollars (\$35,000,000), to determine whether or not any such district shall levy a tax for maintenance and bond purposes, the maximum of which for both of such purposes shall not exceed One Dollar and Twenty-five Cents (\$1.25) on the one hundred dollars valuation in any one year; providing that said tax shall be authorized, levied, assessed, and collected under the provisions of the law applicable to independent school district taxes; validating elections heretofore held in any such district at which a tax for the amount and the purposes stated was authorized by the qualified voters voting on the proposition; . . . and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, February 7, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 56, A bill to be entitled "An Act to extend the time for the payment of all notes or obligations executed by purchasers of school land for the unpaid balance of principal due the State thereon until November 1, 1951; amending Article 5312, Revised Civil Statutes 1925; amending Article 5326, Revised Civil Statutes 1925; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, February 17, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 69, A bill to be entitled "An Act to amend Section 5, Chapter 136, Acts of the Regular Session of the Thirty-ninth Legislature providing that anyone may construct on his own property a dam or reservoir to contain not to exceed fifty (50) acre-feet of water for domestic and livestock purposes without securing a permit therefor, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, February 18, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 42, Authorizing the recalling of House Bill No. 140 from the Governor's office for the purpose of making a correction.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, February 18, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 41, Memorializing the Congress of the United States in reference to gasoline taxes.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

SENT TO THE GOVERNOR

January 16, 1941

House Bill. No. 1.

House Concurrent Resolution No. 1.

House Concurrent Resolution No. 2.

House Concurrent Resolution No. 4.

House Concurrent Resolution No. 5.

January 17, 1941

House Concurrent Resolution No. 3.

House Concurrent Resolution No. 6.

January 20, 1941

House Concurrent Resolution No. 7.

House Concurrent Resolution No. 8.

January 21, 1941

House Concurrent Resolution No. 14.

January 23, 1941

House Concurrent Resolution No. 12.

House Concurrent Resolution No. 13.

House Concurrent Resolution No. 16.

January 27, 1941

House Concurrent Resolution No. 18.

January 29, 1941

House Concurrent Resolution No. 15.

House Concurrent Resolution No. 17.

House Concurrent Resolution No. 19.

January 30, 1941

House Concurrent Resolution No. 28.

February 3, 1941

House Concurrent Resolution No. 21.

House Concurrent Resolution No. 22.

House Concurrent Resolution No. 23.

February 6, 1941

House Concurrent Resolution No. 27.

House Concurrent Resolution No. 29.

House Concurrent Resolution No. 33.

February 10, 1941

House Bill No. 45.

House Bill No. 134.

House Bill No. 140.

February 11, 1941.

House Concurrent Resolution No. 26.

February 12, 1941	February 18, 1941.
House Concurrent Resolution No. 34.	House Bill No. 329.
February 13, 1941.	House Concurrent Resolution No. 31.
House Concurrent Resolution No. 39.	House Concurrent Resolution No. 35.

In Memory of
Reverend Paul F. Nemec

Mr. McLellan offered the following resolution:

H. S. R. No. 120, In Memory of Reverend Paul F. Nemec.

Whereas, On Sunday, December 1, 1940, the Reverend Paul F. Nemec, of Austin County, was called from his labors on this earth; and

Whereas, Father Nemec was born in Moravia, Czechoslovakia, January 13, 1890, came to Texas at the age of three (3) years, was ordained in 1912, and was assigned to the Sealy, Texas, Parish in 1912;

Whereas, The love and esteem which the people of South Texas held for him was displayed on the twenty-fifth (25th) anniversary of his priesthood by a celebration staged by the Catholic organizations and the American Legion;

Whereas, In the passing of this humble exponent of His work and teaching, his community has suffered a real loss; therefore, be it

Resolved, That the House of Representatives join his loved ones in their regret at his passing; and

Be it further resolved, That a copy of this resolution be spread on the memorial page of the House Journal on this day and that a copy be sent to the three (3) Parish Churches which he served for twenty-eight (28) years.

The resolution was read second time and was unanimously adopted by a rising vote.